

bill authorizes the importation of generic medicines when the U.S. patent holder cannot make enough medicine to meet domestic public health needs, and removes a trade policy barrier to such imports.

The prospect of an avian flu pandemic has gripped health officials around the world. Part of the response would involve treating victims with drugs to lessen the spread of the flu virus. The World Health Organization has urged all nations to stockpile reserves of antiviral flu drugs, and the Infectious Diseases Society of America has recommended that the United States stockpile enough drugs to treat 25 to 40 percent of the population.

The drug believed to be most effective against the flu is Tamiflu. The exclusive right in the United States to manufacture Tamiflu is owned by Roche, a pharmaceutical manufacturer based in Switzerland.

As Health and Human Services Secretary Michael Leavitt testified before the Energy and Commerce Committee on November 8, Roche has insufficient manufacturing capacity in the U.S. to meet the stockpile needs. At its maximum production, Roche could only produce 13 million treatment courses by the end of this year, far short of the 75 million we need to treat 25 percent of the population.

If Roche does not voluntarily license other companies to produce Tamiflu, the U.S. government has the authority to issue compulsory licenses to gain access to other sources of production of the drug. India, Taiwan, China, Thailand, Malaysia, Vietnam, the Philippines, South Korea and Argentina are among the countries considering plans to manufacture versions of Tamiflu to prepare for a possible flu pandemic.

However, Americans facing a pandemic today could not get anti-flu drugs from those countries, because in 2003 the U.S. Trade Representative agreed to make the U.S. ineligible to import drugs produced abroad under compulsory licenses.

World Trade Organization rules allow for countries with "insufficient" manufacturing capacity in the pharmaceutical sector to import pharmaceutical products produced under a compulsory license in other countries in order to meet public health needs. This authority is contained in paragraph 6 of the 2001 "Doha Declaration" on Trade Related Aspects of Intellectual Property Rights (TRIPS) and public health. The August 30, 2003, decision of the WTO TRIPS Council spelled out implementation of this authority.

At the urging of U.S. negotiators, the August 30 decision created an "opt out" list, whereby countries could voluntarily agree not to use the import authority. The U.S. is on the "opt out" list. Therefore, we find ourselves in a situation where the United States government voluntarily restricted its access to critical drugs to fight a pandemic. That makes no sense.

The solution is simple. We can "opt in" to the system. That is what my bill does. It directs the U.S. Trade Representative to notify the WTO that the U.S. declares itself an "opt in" country and thus eligible to import drugs made under compulsory licenses in order to meet public health needs. It also affirms that the President has the authority to import such drugs in such cases, as long as the drugs are approved by the Food and Drug Administration.

Americans should have the comfort of knowing that if the public needs a particular

drug to stop an avian flu pandemic, the U.S. government will have access to all available production sources for the drug. My bill would make sure that our government can do what it takes to combat an avian flu pandemic or other health emergency.

CONGRATULATIONS TO CHAIRMAN DAVE HOBSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise to congratulate Chairman DAVE HOBSON (R-OH) for his bold, principled stance to eliminate federal funding for the bunker buster bomb. It was a major victory for the United States and the world.

This achievement means the United States will send the message of responsibility to other nations who are considering building nuclear weapons. The United States can continue to advocate for the Non-Proliferation Treaty, whereby the United States and other nuclear powers pledged to disarm in return for other nations not seeking nuclear weapons. Because nuclear bunker-busters would be seen as tactical nuclear weapons, the development of these weapons would make it more difficult to encourage Russia to dispose of its arsenal of over 4,000 tactical nuclear weapons. Chairman HOBSON has given the United States more clout to pressure Russia to eliminate its tactical nuclear weapons.

Again, I commend Chairman HOBSON for his defense of our Nation.

[From the Columbus Dispatch, November 13, 2005]

HOBSON WILL KEEP BUSTING NUCLEAR WEAPON

(By Jonathan Riskind)

The battle of the bunker buster, round two, goes to Rep. David L. Hobson.

But the Springfield Republican isn't so sure the Bush administration, especially Defense Secretary Donald H. Rumsfeld and others in the defense community, has given up on building a nuclear-tipped missile able to penetrate underground bunkers.

This is a saga last visited in this space a year ago. Then, too, Hobson, as chairman of the House Appropriation Committee's energy and water subcommittee, successfully fought the administration's push to build a specialized tactical nuclear weapon.

Pursuing new nuclear weapons when the United States is pushing nonproliferation around the world is wrong headed and dangerous, Hobson believes. And he's been told by scientists and candid members of the military that a nuclear bunker buster is likely to kill many innocent people and inflict such harm on the environment that no president would "OK" its use.

So Hobson refused to include \$4 million Rumsfeld wanted in the 2006 energy bill for bunker-buster research.

Hobson's counterpart in the Senate is Pete Domenici of New Mexico, who chairs the Senate Appropriation Committee's energy subcommittee. Domenici favors going ahead with the research, but he told the Albuquerque Tribune that the administration has abandoned its plans for a nuclear bunker buster. He said that, however, after Hobson won the fight; the final 2006 House-Senate agreement on a \$30.5 billion energy and water bill being sent to the White House reflects Hobson's views.

So while it's "over in my bill for this year," Hobson said, his attention is focused on whether the Defense Department will try to include bunker-buster money in the still-pending 2006 defense-spending bill.

"I have to watch in the defense bill to try and make sure they don't go around me," said Hobson, who is a senior member of the defense-spending subcommittee.

This is one example of how public policy is enmeshed in the fabric of the annual spending bills. Hobson's measure, for instance, tackles the post-Katrina issue of improving the efficiency with which the Army Corps of Engineers spends the money Congress doles out to it, though part of the solution is making sure lawmakers don't tie the corps' hands with a plethora of pet projects. One tack seen in the energy and water spending bills is to limit the ability of the corps to take money intended for one project and spend it on another, only to later come back and request yet more money for the first project. Hobson also hopes the bill will force the corps to do more long-term planning and to do a better job moving projects along.

He cites a dam on the Ohio River between Illinois and Kentucky that was authorized by Congress in 1988 at an estimated cost of \$775 million over about eight years. Completion is now scheduled for 2015, at a revised estimated cost of \$1.4 billion.

"We're trying to bring some business management to the way the corps conducts business," Hobson said.

But the most far-reaching policy platform in Hobson's bill amounts to a nuclear non-proliferation stand that bucks the notoriously stubborn Rumsfeld.

"We had a meeting and he made his views known and I made my views known," Hobson said. "He said there will be another day. I don't think they've given up."

But Hobson vowed to defuse the bunker-buster proposals for as long as he's a committee chairman. He has three more years to head the energy subcommittee before chairman term limits set in, and intends to run for re-election to a ninth term next year and serve all three of those years.

"They aren't changing my mind," Hobson said. "It is bad foreign policy to build a new type of nuclear weapon at the same time you are telling everyone else in the world, don't you do it."

INTELLIGENCE FAILURE AND MANIPULATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HOLT. Mr. Speaker, today I and my Democratic colleagues on the House Permanent Select Committee on Intelligence publicly discussed a critical item of unfinished business for this House—specifically, the need for the committee to undertake a detailed examination of the Iraq weapons of mass destruction (WMD) intelligence failure.

We need to undertake this inquiry because this is not the last time that we will need intelligence that's based on good methods, critical thinking—in fact, skeptical thinking that really looks at the uncertainties in the intelligence.

We have to learn to get this right. There will be other times when we need it.

Now, the President has said that those who are raising questions about the war in Iraq and how we got there are trying to rewrite history. Actually, that's not true. History is not being